



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200375391

Date: November 21, 2003

Comments Due: January 5, 2004

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to fill 1.43 acres of wetland for a new 50,000 square foot justice center and parking lot in an unnamed drainage of the Yampa River, as shown in the attached drawings.

APPLICANT: Tim Winter
Colorado Board of County Commissioners
Routt County
P.O. Box 773598
Steamboat Springs, CO 80477

LOCATION: The proposed project site is located on Shield Drive, just south of the Routt County Jail in Steamboat Springs, Colorado.

PURPOSE: Routt County is under a court order to construct a new courthouse because the current courthouse located in downtown Steamboat Springs is inadequate to handle current and future caseload. The new courthouse would be constructed adjacent to the existing jail facility and provide an underground connection to transport prisoners between the two facilities.

PROJECT DESCRIPTION: Routt County is proposing to build a new 50,000 square foot justice center in compliance with a court order. The new center will have three courtrooms with the potential for one additional courtroom. An additional expansion in the future will allow two additional courtrooms. The proposed building will be three stories and service the following agencies: (1) State agencies include the Clerk of the Court, Probation Department and Judge's Chamber; (2) Routt County agencies include the Detox Holding Center and Maintenance for the Court and Jail; (3) The 14th Judicial District includes the District Attorney's Office. A 1.4 acre parking lot will also be constructed.

ALTERNATIVES: The applicant has evaluated six alternatives. The alternatives are as follows:

Alternative 1 - No Action. The no action alternative consists of using the existing Routt County Courthouse in downtown Steamboat Springs as the future county Justice Center. No new structure would be constructed. This alternative was ruled out because it did not meet the

court order requiring additional courtrooms to meet present and future caseloads.

Alternative 2 - Building the Justice Center in or near downtown Steamboat Springs. Alternative 2 included reviewing all potential sites in proximity to the existing Courthouse that were of sufficient size to meet the purpose and need. Several sites in downtown were studied, including lots on Fifth Street and Oak Street. In each case, several issue, such as vacating either Fifth or Sixth Street would be required. The City of Steamboat Springs refused to vacate Fifth Street, but agreed to vacating Sixth Street if the County would construct a \$2,920,000 parking structure. Voters in Routt County voted against a mill levy in November of 2002, ending the potential of a downtown site. A site away from the present Routt County Jail was also problematic for prisoner transport.

Alternative 3 - Locating the Justice Center in Routt County away from both Downtown Steamboat Springs and the Jail. Several sites were considered outside the Town of Steamboat Springs, but were rejected because statute requires the County Courthouse be located within the city limits of Steamboat Springs.

Alternative 4 - Building the Justice Center on the Klein Property. The Klein property, met the needs of the project, however would require construction of an additional intersection on U.S. Highway 40, would have limited the interior building passage of prisoners to an overhead, bridge type passage, and would directly impact 1.32 acres of wetlands and indirectly impact the wetlands on the adjacent Outlot A by hydrologically disconnecting these wetlands. The additional cost of constructing the intersection and prisoner passage, and the direct/indirect affect to wetlands ruled this alternative out.

Alternative 5 - Building the Justice Center on the Eastern Section of Outlot A. This alternative would meet the purpose and need of the Justice Center. However, the wetlands in this area of Outlot A are of high quality, and construction on this end of the property would indirectly affect the wetlands on the eastern half of the property. This site was ruled out because of the additional wetland impacts.

Alternative 6 - Building the Justice Center on the Eastern Section of Outlot A Property. This is the preferred alternative. This alternative would permanently impact 1.43 acres of wetlands. The wetlands impacted are in the upper most reach of this wetland community, and are of lesser quality than the wetlands located to the west. This site also allows for easier road access and an underground passage for prisoners from the Jail to the Justice Center. This location takes into account future expansion needs without additional wetland impacts.

AREA DESCRIPTION: The proposed project site is located within the Curve Development, west of downtown Steamboat Springs. The site is surrounded by previous development such as the Routt County Jail to the north, commercial buildings and related activities to the east, old sewer lagoons to the south and a residential trailer park to the west. There is a vacant lot between the proposed courthouse and the trailer park, referred to as the Klein property. The proposed site is 5.07 acres, of which is 2.49 acres of wetland meadow and marsh. The wetlands are the upper end of a wetland system that flows west across the Klein property and enters a drainage system which flows into the Yampa River. The applicant states that the proposed project site is located within the currently mapped 100 year Yampa River floodplain.

ADDITIONAL INFORMATION:

The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. John Hranac, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **December 20, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hranac at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3586.

No further cultural resources review is warranted because all work in the permit area has been created in modern times.

This activity would not affect any threatened or endangered species or their critical habitat.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **December 20, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic

properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Anthony Curtis, Frisco Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, P.O. Box 607, Frisco, Colorado 80443-0607. For further information, please contact Mr. Anthony Curtis, at telephone number 970-668-9676, or email Anthony.C.Curtis@usace.army.mil.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: Drawing(s)